

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOSEPH CLARK,

Plaintiff,

vs.

ALLIED MIDWEST, Inc.; MIDWEST INN,
Inc.; DMK INVESTMENTS, LLC;
BLACKSTONE HOTEL, LLC; and OM SRI
SAI, LLC,

Defendants.

8:24CV10

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's Motion for Leave to Proceed in Forma Pauperis ("IFP"), [Filing No. 2](#), and Notice of Voluntary Dismissal, [Filing No. 5](#). Upon review of Plaintiff's IFP Motion, the Court finds that Plaintiff is financially eligible to proceed in forma pauperis.

The Court construes Plaintiff's Notice of Voluntary Dismissal as a motion to voluntarily dismiss pursuant to [Federal Rule of Civil Procedure 41](#). [Rule 41\(a\)](#) states that a plaintiff may dismiss an action without a court order by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." [Fed. R. Civ. P. 41\(a\)\(1\)\(A\)\(i\)](#). In addition, [Rule 41\(a\)\(2\)](#) provides that an action may be dismissed at the plaintiff's request "on terms that the court considers proper." [Fed. R. Civ. P. 41\(a\)\(2\)](#). Here, Plaintiff asks the Court to dismiss this action and Defendants have not been served with process. Upon consideration,

IT IS THEREFORE ORDERED that:

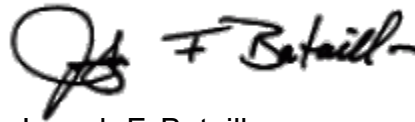
1. Plaintiff's Motion for Leave to Proceed IFP, [Filing No. 2](#), is granted, and the Complaint shall be filed without payment of fees.

2. Plaintiff's request for dismissal of this action, [Filing No. 5](#), is granted. Accordingly, this matter is dismissed without prejudice.

3. A separate judgment will be entered in accordance with this Memorandum and Order.

Dated this 1st day of May, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon". The signature is stylized with a large, circular initial "J" and a long, horizontal stroke extending to the right.

Joseph F. Bataillon
Senior United States District Judge